



COMMONWEALTH of VIRGINIA  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
TIDEWATER REGIONAL OFFICE  
5636 SOUTHERN BOULEVARD  
VIRGINIA BEACH, VIRGINIA 23462

Virginia Stationary Source Operating Permit

Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, chapter 13, ' 10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, and 9 VAC 5-80-50 through 9 VAC 5-80-305 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Permit Number

VA-61340

Effective Date

February 28, 2000

Expiration Date

February 28, 2005

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name:	City of Newport News
Mailing Address:	513 Oyster Point Road Newport News, VA 23602
Facility Name:	Newport News Landfill No. 2
Facility Location:	15110 Warwick Boulevard Newport News, VA 23602

Permit Issued this 28th day of February, 2000

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Director, Department of Environmental Quality

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## Part I. Facility Information

### Permittee

City of Newport News  
513 Oyster Point Road  
Newport News, Virginia 23602

### Facility

Newport News Landfill No. 2  
15110 Warwick Boulevard  
Newport News, Virginia 23602

### Responsible Official

William P. Mitchell  
Assistant City Manager  
City of Newport News  
(757) 926-8411

### Contact person

David Sinclair  
Assistant Solid Waste Administrator  
City of Newport News  
(757) 249-5747

**AIRS Identification Number:** 51-700-00122

**Facility Description:** SIC Code 4953 - Newport News Landfill No. 2 is a sanitary landfill located at 15110 Warwick Boulevard in the City of Newport News, Virginia, and is owned by the City of Newport News. The landfill began accepting waste in 1982 under Solid Waste Permit No. 386 dated October 19, 1982. This permit allowed the construction of the first three cells (Cells 1, 2, and 3). As a sanitary landfill regulated by the Commonwealth of Virginia, the landfill is permitted to accept only solid wastes which are defined and regulated under the Commonwealth of Virginia Solid Waste Management Regulations. Such wastes are generated from the City of Newport News and include general domestic household waste, commercial waste, and construction debris. Only non-liquid, non-hazardous, and non-infectious wastes are accepted at the landfill.

In September 1994, the Virginia Department of Environmental Quality (DEQ) issued a solid waste permit amendment to allow a horizontal expansion of the landfill for the construction of Cells 4, 5, and 6. However, the City of Newport News has now decided to stop disposing of municipal solid waste at this facility. The combined capacities of Cells 1, 2, and 3 equals 2.48 million megagrams. This capacity was reached in late 1996. Cells 1, 2, and 3 stopped receiving waste in 1996 and were closed in 1997. Cell 5 was constructed in 1996 but the City of Newport News has decided not to use Cell 5 for waste disposal and does not intend to go through with plans to construct Cells 4 and 6. The total permitted capacity of Cells 4, 5, and 6 combined is 2.96 million megagrams. The facility has a total permitted design capacity, including Cells 1, 2, 3, 4, 5, and 6, of 5.44 million megagrams.

Activities currently occurring at the landfill include landfilling operations,

groundwater/leachate pumping operations, landfill gas control, and maintenance operations. Sources of potential emissions consist of the municipal solid waste (MSW) disposal areas, one (1) existing flare, one (1) emergency diesel generator, a leachate collection and system, a tub grinder, and two (2) portable gasoline-powered pumps. Insignificant activities/emission units consist of the leachate collection system, the emergency diesel generator, the tub grinder, and the two (2) portable gasoline-powered pumps.

## Part II. Emissions Unit Specific Requirements

### 1. Insignificant Emission Unit Inventory List

Emission Unit No.	Emission Unit Description	Citation (9 VAC_)	Pollutant Emitted (5-80-720 B.)	Rated Capacity ( 5-80-720 C.)
EG-1	Emergency Generator	5-80-720 C.4.b.	CO, VOC, NO <sub>x</sub> , SO <sub>2</sub> , PM-10	135 horsepower diesel engine
LCS-1	Leachate Collection System (including manholes, leachate equalization basin, and pump station)	5-80-720 B.	VOC	N/A
TG-1	Mulching Operations/Tub Grinder	5-80-720 B.	CO, VOC, NO <sub>x</sub> , SO <sub>2</sub> , PM-10	11 tons/hour
P-1	Portable Water Pump	5-80-720 C.4.a.	CO, VOC, NO <sub>x</sub>	4 horsepower gasoline engine
P-2	Portable Water Pump	5-80-720 C.4.a.	CO, VOC, NO <sub>x</sub>	4 horsepower gasoline engine

### 2. Significant Emissions Unit Inventory List

#### A. Process Units

Emission Unit No.	Stack No.	Emission Unit Description	Manufacturer and Date of Construction	Size/Rated Capacity
MSW-1	-	Landfill Operations	Commenced accepting waste in 1982	5.44 million megagrams of municipal solid waste
F-1	-	Landfill Gas Flare	John Zink Company, post-1972 construction	27 million Btu/hour

**B.**      Pollution Control Equipment

Stack No./ Emission Unit No.	Control Equipment Description	Manufacturer and Date of Construction	Size/Rated Capacity	Pollutant
EP-1/F-1	Flare (Note: The use of the flare is not an applicable requirement)	John Zink Company, post- 1972 construction	27 million Btu/hour	VOC, HAPs, NMOC, CO, NO <sub>x</sub> , SO <sub>2</sub> , PM-10

**3.**      Emission Unit Specific Permit Terms

- A.      Unit Ref. Nos. MSW-1 and F-1, Landfill Operations and the Flare -** Note: All terms used in this section have the meanings as they are defined in 40 CFR 60.2 and 40 CFR 60.751, Subpart WWW, unless otherwise specified in this permit.

**Limitations**

1.      The City of Newport News shall register Newport News Landfill No. 2 with the Department of Environmental Quality (DEQ) and shall maintain such registration by submitting annual updates of registration information and emissions as specified in Specific Condition 10 of this document.  
(9 VAC 5-20-160 of State Regulations)
2.      The permittee shall, to the extent practicable, maintain and operate any affected facility including air pollution control equipment or monitoring equipment, in a manner consistent with good air pollution control practice of minimizing emissions. This condition applies at all times including periods of startup, shutdown and malfunction.  
(9 VAC 5-20-180.A. of State Regulations)
3.      The permitted capacity of the municipal solid waste (MSW) landfill is 5.44 million megagrams of municipal solid waste. A change in the capacity may require an air permit to construct and operate.  
(9 VAC 5-50-390 of State Regulations)
4.      Except as specified in this permit, the permitted facility is to be operated in accordance with the applicable provisions of 40 CFR 60, Subpart WWW.  
(9 VAC 5-50-410 of State Regulations)

5. Unless otherwise specified, dust emission controls shall include the following or equivalent as a minimum:
  - a. All material being stockpiled shall be kept moist to control dust during storage and handling, or covered to minimize emissions, as necessary.
  - b. Dust from haul roads shall be controlled by wet suppression or equivalent methods, as necessary.
  - c. Reasonable precautions shall be taken to prevent deposition of dirt on public roads and subsequent dust emissions. Dirt spilled or tracked onto paved surfaces shall be promptly removed to prevent particulate matter from becoming airborne.(9 VAC 5-50-90 of State Regulations)
6. The initial design capacity report submitted by the City of Newport News and received by the Department of Environmental Quality on September 9, 1996, and the revised Title V permit application containing a Tier 2 analysis dated June 22, 1999, are considered to have satisfied the requirements of Subpart WWW, 40 CFR 60.757 (a) for submission of the initial design capacity and initial emission rate reports to the Director, Tidewater Regional Office.  
(9 VAC 5-50-410 of State Regulations and 40 CFR 60.757)
7. Visible emissions from the flare (Unit Ref. No. F-1) and landfill operations (MSW-1) shall not exceed twenty (20) percent opacity as determined by EPA Method 9 (40 CFR 60, Appendix A), except during one six-minute period in any one hour in which visible emissions shall not exceed thirty (30) percent opacity. This condition applies at all times except during start-up, shutdown, and malfunction. (9 VAC 5-50-80 of State Regulations)

**Testing**

8. The permitted facility shall be designed and constructed to allow emissions testing using appropriate methods upon reasonable notice at any time. (9 VAC 5-50-30 of State Regulations)



**Monitoring**

9. The permittee shall perform periodic visual observations on the flare (Unit Ref. No. F-1) utilizing EPA Method 22 (reference 40 CFR 60, Appendix A) to demonstrate compliance with opacity standards. The permittee shall perform such visible emission observations once per operating day to determine if the unit has any visible emissions. If visible emissions from the emissions unit are observed during these required observations, or at any time, that appear to exceed fifty percent (50%) of the allowable visible emission requirement for the emission unit (see Specific Condition 7), a visible emissions evaluation in accordance with 40 CFR 60, Appendix A, Method 9 shall be conducted on the unit as soon as practicable. A Method 9 evaluation shall not be required if the visible emissions condition is corrected in a timely manner, the emissions unit is operating at normal operating conditions, and the cause and corrective measures taken are recorded. If an EPA Method 9 evaluation and/or corrective action become necessary, Newport News Landfill No. 2 shall record the details of the incident, including any EPA Method 9 actual opacity readings, in a log book. The log book shall be kept on site and available for inspection by the DEQ for the most recent five (5) year period.

(9 VAC 5-40-110 and 9 VAC 5-50-110 of State

Regulations)

**Reporting**

10. Not later than April 15 of each year, the permittee shall submit an annual non-methane organic compound (NMOC) emission rate report to the Director, Tidewater Regional Office. The permittee shall demonstrate in the emission rate report, using a site-specific NMOC concentration, that NMOC emissions do not equal or exceed fifty (50) megagrams per year. The permittee shall retest the site-specific NMOC emission rate every five (5) years utilizing EPA Method 25c as specified in the EPA letter dated June 26, 1998 (Attachment 1). In addition, the permittee shall submit a copy of the emission rate report and any other reports required by 40 CFR 60 Subpart WWW to EPA at the following address:

U.S. EPA Region III  
Air Protection Division (3AP00)  
ATTN: 40 CFR 60 Subpart WWW Coordinator  
1650 Arch Street  
Philadelphia, PA 19103-2029

(9 VAC 5-50-410 and 9 VAC 5-80-800 of State Regulations and 40 CFR 60.752(b)(1)(i), 60.752(b)(1)(ii), 60.754(a)(1) and 60.754(a)(3))

11. If the reported NMOC emission rate in the initial or any annual report referenced in

Specific Condition 10 of this document equals or exceeds fifty (50) megagrams per year, the permittee shall:

- a. Submit a landfill gas collection and control system design plan to both the Director, Tidewater Regional Office and to U.S. EPA Region III within one (1) year after submittal of the first annual NMOC emission rate report referenced in Specific Condition 10 of this document which indicates an NMOC emission rate of fifty (50) megagrams or greater, or
- b. Demonstrate, using a site-specific methane generation constant, that NMOC emissions do not equal or exceed fifty (50) megagrams per year. The permittee shall make such demonstration and submit a revised NMOC emission rate report to both the Director, Tidewater Regional Office and to U.S. EPA Region III within one (1) year of submittal of the first annual NMOC emission rate report referenced in Specific Condition 10 of this document which indicates an NMOC emission rate of fifty (50) megagrams or greater. The permittee shall resume annual NMOC emission rate reporting as specified in Specific Condition 10 of this permit.

(9 VAC 5-50-410 and 9 VAC 5-80-800 of State Regulations, 40 CFR 60.752(b)(2) and 40 CFR 60.754(a)(1) through 40 CFR 60.754(a)(5))

12. If, using a site-specific methane generation constant as referenced in Specific Condition 11 of this document, the NMOC emission rate equals or exceeds fifty (50) megagrams per year, the permittee shall:

- a. Submit a landfill gas collection and control system design plan to both the Director, Tidewater Regional Office and to U.S. EPA Region III within one (1) year after submittal of the first annual NMOC emission rate report referenced in Specific Condition 10 of this document which indicates an NMOC emission rate of fifty (50) megagrams or greater.

(9 VAC 5-50-410 and 9 VAC 5-80-800 of State Regulations and 40 CFR 60.752(b)(2)(i))

13. If the permittee is required to install a landfill gas collection and control system in accordance with the provisions of 9 VAC 5-50-410 Subpart WWW and Specific Conditions 11 or 12 of this document, the permittee shall apply for a solid waste permit amendment in accordance with Part VII (9 VAC 20-80-480 et seq.) of 9 VAC Chapter 80 (Solid Waste Management Regulations).

(9 VAC 5-40 Article 43 and 9 VAC 5-170-160 of State Regulations)

14. If the permittee is required to install a landfill gas collection and control system in accordance with the provisions of 9 VAC 5-50-410 Subpart WWW and Specific

Conditions 11 or 12 of this document, the permittee shall apply for a Title V Operating Permit significant modification within ninety (90) days of approval of the gas collection and control plan. This requirement supersedes any and all Title V operating permit modification procedures as specified in 9 VAC 5-80-800. (9 VAC 5-80-230 of State Regulations)

15. If the permittee is required to install a landfill gas collection and control system in accordance with the provisions of 9 VAC 5-50-410 Subpart WWW and Specific Conditions 11 or 12 of this document, the permittee shall install and have operational such landfill gas collection and control system within thirty (30) months of submittal of the first annual emission rate report referenced in Specific Condition 10 of this document which indicates an NMOC emission rate equal to or exceeding fifty (50) megagrams per year which,
  - a. Is designed to handle the maximum expected landfill gas flow rate from the entire area of the landfill;
  - b. Collects landfill gas from each area, cell or group of cells in which solid waste has been placed for a period of:
    1. Five (5) years or more if the landfill is active; or
    2. Two (2) years or more if the landfill is closed or at final grade;
  - c. Collects landfill gas at a sufficient extraction rate;
  - d. Is designed to minimize off-site migration of subsurface landfill gas;
  - e. Reduces NMOC by ninety-eight (98) weight percent or, for an enclosed combustion device, either reduces NMOC by ninety-eight (98) weight percent or reduces the outlet concentration of NMOC to less than 20 ppmv, dry, as hexane, at three (3) percent oxygen;
  - f. Maintains the methane concentration at the surface of the landfill at less than 500 ppmv above background level.

(9 VAC 5-50-410 of State Regulations and 40 CFR 60.752(b)(2)(ii), 60.752(b)(2)(iii), 60.752(b)(2)(iv), and 60.752(b)(2)(v))
16. The permittee shall submit a closure report in accordance with 40 CFR 60.757 (d) to both the Director, Tidewater Regional Office and to U.S. EPA Region III, within thirty (30) days of the date that the municipal solid waste landfill ceases acceptance of waste.

(9 VAC 5-50-410 of State Regulations and 40 CFR 60.757(d))

### **Recordkeeping**

17. The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of

such records shall be arranged with the Director, Tidewater Regional Office. These records shall include, but are not limited to the following:

- a. Current maximum design capacity, current amount of refuse in place, and annual refuse accumulation rates;
- b. Description, location, amount, and placement date of all non-degradable refuse including asbestos and demolition debris placed in landfill areas which are excluded from landfill gas estimation;
- c. Installation date and location of all required vents, wells, and flares;
- d. A record of each visible emissions observation shall be maintained, including any data required by 40 CFR 60 Appendix A, Method 22 or Method 9, whichever is appropriate. The record shall include, at a minimum, the date, time, name of the emission unit, the applicable visible emissions requirement, the results of the observation, and the name of the observer.

These records shall be available for inspection by the DEQ and shall be current for the most recent five (5) years.

(9 VAC 5-80-800 and 9 VAC 5-50-50 of State Regulations)

18. The permittee shall furnish written notification to both the Director, Tidewater Regional Office and to U.S. EPA Region III:
  - a. The actual date on which modification of the municipal solid waste landfill facility commenced. Activities necessary to utilize permitted Cells 4, 5 or 6 shall not be considered modifications.
  - b. The anticipated date of initial waste acceptance related to the modification of the municipal solid waste landfill facility postmarked not more than sixty (60) days nor less than thirty (30) days prior to such date.
  - c. The actual date of initial waste acceptance related to the modification of the municipal solid waste landfill facility within fifteen (15) days of initial waste acceptance.

Copies of written notification referenced in items a, b, and c shall be sent to:

Chief  
Permit Programs Section (3AT23)  
U. S. Environmental Protection Agency  
Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

(9 VAC 5-170-160, 9 VAC 5-50-410 Subpart A, and 9 VAC 5-50-410 Subpart WWW of State Regulations)

### **Part III. Facility-wide and General Requirements**

**1. Facility Wide Conditions and Permit Terms**

All facility wide conditions and permit terms are included in Part II and Part III of this document.

**2. General Permit Conditions**

**A. Recordkeeping and reporting**

1. All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:
  - a. The date, place as defined in the permit, and time of sampling or measurements.
  - b. The date(s) analyses were performed.
  - c. The company or entity that performed the analyses.
  - d. The analytical techniques or methods used.
  - e. The results of such analyses.
  - f. The operating conditions existing at the time of sampling or measurement.  
(9 VAC 5-80-110 F. of State Regulations)
2. Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.  
(9 VAC 5-80-110 F. of State Regulations)
3. All reports submitted as a result of monitoring contained in any applicable requirement must be submitted at a frequency of no less than every six months. All deviations from permit requirements must be clearly identified in any report required by any condition of this permit. For purposes of this permit a "deviation" means

any condition determined by observation, data from any monitoring protocol or any other monitoring which is required by the permit that can be used to determine compliance. Deviations include exceedances documented by continuous emission monitoring or excursions from control performance indicators documented through periodic or compliance assurance monitoring. All monitoring reports submitted as required by this permit must be certified by a responsible official consistent with 9 VAC 5-80-80 G.

(9 VAC 5-80-110 F. of State Regulations)

4. The permittee shall develop, maintain, and have available to all operators good written operating procedures for all air pollution control equipment. A maintenance schedule for all such equipment shall be established and made available to the Director, Tidewater Regional Office for review. Records of service and maintenance shall be maintained on file by the source for the most current five-year period.  
(9 VAC 5-170-160 of State Regulations)
5. The permitted facility is to be operated as represented in the permit application dated June 24, 1998, and amendment sheet dated June 15, 1999. No changes in the permit application specifications or any existing facilities shall be made which alter the emissions into the ambient air or alter the impact of the facility on air quality without the prior written approval of the Board.  
(9 VAC 5-170-160 of State Regulations)

**B. Failure/Malfunction Reporting**

If, for any reason, the affected facilities or related air pollution control equipment fails or malfunctions and may cause excess emissions for more than one hour, the owner shall notify the Director, Tidewater Regional Office within four (4) daytime business hours of the occurrence. In addition, the owner shall provide a written statement, within 14 days, explaining the problem, corrective action taken, and the estimated duration of the breakdown/shut down.

(9 VAC 5-20-180 of State Regulations)

**C. Permit Deviation Reporting**

The permittee shall report by the next business day any deviations from permit requirements or any excess emissions, including those attributable to upset conditions as defined in this permit, the probable cause of such deviations, and any

corrective actions or preventive measures taken.  
(9 VAC 5-80-110 F.2. of State Regulations)

**D. Severability**

The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.

(9 VAC 5-80-110 G.1. of State Regulations)

**E. Duty to Comply**

The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification or for denial of a permit renewal application.

(9 VAC 5-80-110 G.2. of State Regulations)

**F. Need to Halt or Reduce Activity not a Defense**

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(9 VAC 5-80-110 G.3. of State Regulations)

**G. Permit Action for Cause**

This permit may be modified, revoked, reopened, and reissued, or terminated for cause as specified in 9 VAC 5-80-110 L, 9 VAC 5-80-240 and 9 VAC 5-80-260. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

(9 VAC 5-80-110 G.4. of State Regulations)

**H. Property Rights**

The permit does not convey any property rights of any sort, or any exclusive privilege.

(9 VAC 5-80-110 G.5. of State Regulations)

**I. Duty to Submit Information**

1. The permittee shall furnish to the board, within a reasonable time, any information that the board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine

compliance with the permit. Upon request, the permittee shall also furnish to the board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the board along with a claim of confidentiality.

(9 VAC 5-80-110 G.6. of State Regulations )

2. Any document (including reports) required in a permit condition to be submitted to the board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.  
(9 VAC 5-80-110 K.1 of State Regulations)

**J. Duty to Supplement or Correct Application**

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.

(9 VAC 5-80-80 E. of State Regulations)

**K. Duty to Pay Permit Fees**

The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-305 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-355 (Rule 8-6 of the Regulations).

(9 VAC 5-80-110 H. of State Regulations)

**L. Changes to Permits for Emissions Trading**

No permit revision shall be required, under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.

(9 VAC 5-80-110 I. of State Regulations)

**M. Emissions Trading**

Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:



- C All terms and conditions required under 9 VAC 5-80-110 except subsection N shall be included to determine compliance.
- C The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.
- C The owner shall meet all applicable requirements including the requirements of Rule 8-5.  
(9 VAC 5-80-110 I of State Regulations)

**N. Alternative operating scenarios**

There are currently no alternative operating scenarios proposed for this facility.  
(9 VAC 5-80-110 J. of State Regulations)

**O. Inspection and entry requirements**

The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

- C Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.
- C Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.
- C Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
- C Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.  
(9 VAC 5-80-110 K.2. of State Regulations)

**P. Annual Compliance Certification**

Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ within 60 days of the end of each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices. The compliance

certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the Clean Air Act. This certification shall be signed by a responsible official and shall include:

- Ⓒ a description of the means for assessing or monitoring the compliance of the source with its emissions limitations, standards, and work practices.
- Ⓒ The identification of each term or condition of the permit that is the basis of the certification.
- The compliance status.
- Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.
- Ⓒ Consistent with subsection 9 VAC 5-80-110 E., the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period.
- Ⓒ Such other facts as the permit may require to determine the compliance status of the source.

Copies of the Annual Compliance Certification shall be submitted to EPA at the following address:

Clean Air Act Title V Compliance Certification (3AP00)  
U.S. Environmental Protection Agency, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029  
(9 VAC 5-80-110 K.5. of State Regulations)

**Q. Reopening For Cause**

1. The permit shall be reopened by the board if additional federal requirements become applicable to a major source with a remaining permit term of three or more years. Such a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been

extended pursuant to 9 VAC 5-80-80 F.  
(9 VAC 5-80-110 L of State Regulations)

2. The permit shall be reopened if the board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.  
(9 VAC 5-80-110 L of State Regulations)
3. The permit shall be reopened if the administrator or the board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.  
(9 VAC 5-80-110 L of State Regulations)
4. The permit shall not be reopened by the board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D. of the State Air Pollution Control Board's Regulations for the Control and Abatement of Air Pollution.  
(9 VAC 5-80-110 L of State Regulations)

**R. Federal Enforceability**

All terms and conditions in a permit, including any provisions designed to limit a source's potential to emit, are enforceable by the administrator and citizens under the federal Clean Air Act, except those permit terms and conditions specifically designated by the board as being only state-enforceable that are not required under the federal Clean Air Act or under any of its applicable federal requirements.  
(9 VAC 5-80-110 N of State Regulations)

**S. Permit Availability**

Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.  
(9 VAC 5-80-150 E. of State Regulations)

**T. Transfer of Permits**

1. No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.  
(9 VAC 5-80-160 of State Regulations)
2. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the board of the change in ownership within 30 days of the transfer and shall

comply with the requirements of 9 VAC 5-80-200.  
(9 VAC 5-80-160 of State Regulations)

3. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.  
(9 VAC 5-80-160 of State Regulations)

**U. Permit Expiration**

Permit expiration terminates the source's right to operate unless a timely and complete renewal application has been submitted consistent with 9 VAC 5-80-80.  
(9 VAC 5-80-170 B of State Regulations)

**V. Malfunction as an Affirmative Defense**

A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations. The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:

- C A malfunction occurred and the permittee can identify the cause or causes of the malfunction.
  - C The permitted facility was at the time being properly operated.
  - C During the period of the malfunction the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit.
- C For malfunctions that occurred for one hour or more, the permittee submitted to the board by the deadlines described in **Condition B. Malfunction/Failure Reporting** above, a notice and written statement containing a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notice fulfills the requirement of 9 VAC 5-80-110 F 2 b to report promptly deviations from permit requirements.
- In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any requirement applicable to the source.

(9 VAC 5-80-250 of State Regulations)

**W. Permit Revocation or Termination for Cause**

A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of this rule. The board may suspend, under such conditions and for such period of time as the board may prescribe, any permit for any of the grounds for revocation or termination or for any other violations of these regulations. (9 VAC 5-80-260 of State Regulations)

**3. Compliance Certification and Schedule**

**A. Description of Compliance Requirements**

The City of Newport News Landfill No. 2 is, at issuance of this permit, not subject to any compliance schedule.

**4. Permit Shield**

Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit.

Nothing in this permit shield shall alter the provisions of §303 of the Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by the (i) administrator pursuant to §114 of the Clean Air Act, (ii) the Board pursuant to §10.1-1314 or §10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to §10.1-1307.3 of the Virginia Air Pollution Control Law.

(9 VAC 5-80-140 of State Regulations)

# SOURCE ACTION REPORT (SAR)

Region: TRO

Region Contact:

TDB

Registration No.:

61340

SIC Code:

4953

Source Name: Newport News Landfill No. 2

County: Newport News

Primary Process Type: -

ADMINISTRATIVE  
AMENDMENT (Y/N):

N

(If yes, stop  
here.)

Permit Issued Type (Place an "X" beside the appropriate permit type):

<input checked="" type="checkbox"/> Federal Operating	Acid Rain	
PSD/New	Non-Attainment (New)	State Major (New)
PSD/Modified	Non-Attainment (Modified)	State Major (Modified)
Excl General	State Operating	Minor (New)
	Relocation	Minor (Modified)

DETERMINATION IS (Place an "X" in the appropriate box(es) and indicate all appropriate subparts):

LAER	GACT	BACT	OFFSET	NETTED	SYNMINOR	TOXICS	CEMS	MACT	NSPS	NESHAP
								SUBPART(s):	SUBPART(s): WWW	SUBPART(s):

IF THIS IS A STATE OPERATING OR MINOR, STOP HERE. COMPLETE THIS SECTION ONLY IF IT IS A PSD (NEW/MODIFIED) OR NON-ATTAINMENT PERMIT.

Unit Size & Description	Unit Process Type Code	Throughput		Pollutant Emitted (list Individually)	Emission Limit (see Attachment D)	Control Method or Strategy	Control Effic. %
		Maximum Rate/hr	Allowed Rate/Yr				

Notes: Issue the initial Title V permit.



## **PERMIT CHECK LIST**

**The following people have reviewed the permit:**

Reviewing Environmental Engineer: \_\_\_\_\_

Environmental Inspector: \_\_\_\_\_

Environmental Compliance Manager: \_\_\_\_\_

Date: September 26, 2002

Source Name: City of Newport News - Landfill No. 2 Registration No: 61340 I.D. No.: 700-00122

Source Location: 15100 Warwick Boulevard, Newport News, Virginia

Mail Address: 513 Oyster Point Road, Newport News, Virginia 23602

Source Status: \_\_\_\_\_ Greenfield U Currently operating

Source Classification: \_\_\_\_\_ Minor \_\_\_\_\_ SynMinor \_\_\_\_\_ PSD Major U TV Major

Permit Action: (Describe new/modified equipment and/or processes, include maximum rated capacities) This permit action is a Title V operating permit with NSPS Subpart WWW applicability. Main emission points are municipal solid waste landfill operations and a landfill gas flare. Other insignificant sources of emissions at the facility include an emergency generator, portable diesel pumps, groundwater and leachate pumping operations, and a tub grinder associated with current on-site composting operations. Source is listed as minor below because uncontrolled emissions of criteria pollutants are below the major source category threshold. However, source requires a Title V permit by virtue of being subject to NSPS Subpart WWW as a major landfill greater than 2.5 million megagrams in design capacity. The landfill currently is permitted by Solid Waste at 5.44 million megagrams in design capacity.

Permit Action Type:

\_\_\_\_\_ Minor \_\_\_\_\_ State Major \_\_\_\_\_ PSD \_\_\_\_\_ NA \_\_\_\_\_ SOP U TV

U New \_\_\_\_\_ Modification \_\_\_\_\_ Amendment

Y (Y/N) Permit Includes All Emission Units at Source.

N (Y/N) Permit Allows Source to avoid Title V/MACT/etc.

After this permit, source is: \_\_\_\_\_ Major (A) U Minor (B) \_\_\_\_\_ Synthetic minor (SM)  
(\_\_\_\_\_ Pollutant, \_\_\_\_\_ Pollutant, \_\_\_\_\_ Pollutant)

### **Permit Application Review**

U Permit application submitted, or \_\_\_\_\_ Letter Request

Application Received Date June 25, 1998

Application Complete Date June 22, 1999

U Document Certification Form received with Form 7 (9 VAC 5-80-10, D.4.)

NA Confidential information with sanitized copy. If yes, which sections:

\_\_\_\_\_ throughputs \_\_\_\_\_ individual pollutants \_\_\_\_\_ flow diagrams \_\_\_\_\_ calculations

\_\_\_\_\_ process descriptions \_\_\_\_\_ other (describe) \_\_\_\_\_

NA Copy of letter from local official for greenfield, or major modified sources

NA Copy of letter sent to FLM if applicable. (Comments) \_\_\_\_\_

This permit supersedes permit(s) dated \_\_\_\_\_.

### **Regulatory Review**

BACT Determination (check one):

NA [Control Strategy/Equipment] @ \_\_\_\_\_ % efficiency for the control of \_\_\_\_\_ meets BACT (Comments) \_\_\_\_\_, or

U TV/SOP or Amendment - BACT not applicable.

Y (Y/N) NSPS/MACT/NESHAPS Applicability: If Y, Subpart(s):

Subpart WWW NSPS \_\_\_\_\_ MACT \_\_\_\_\_ NESHAPS

N (Y/N) Existing Rules (9 VAC 5 Chapter 40) Applicability: If Y, Rule(s): \_\_\_\_\_

Toxic Pollutants (check one):

\_\_\_\_\_ Exempt, or \_\_\_\_\_ in compliance with 9 VAC 5-50-220, or U not evaluated



Comments:\_\_\_\_\_

### Regulatory Review (cont.)

Modeling (check one):

- ☐ Attached (including background monitors), or  
☐ Copy of approval letter from modeling section, or  
☒ No modeling required by agency policy (< modeling significance levels, etc.)

Site Suitability:

☒ Site suitable from an air pollution standpoint, inspection date January 11, 1999 or no inspection required because \_\_\_\_\_.

☒ Calculation sheet(s) attached (~~Source's calculations were verified and are adequate.~~)

☐ (Y/N) NSR Netting      Comments (Explain Permit History):\_\_\_\_\_

Permit includes: ☐ Stack Testing   ☐ CEM   ☒ VEE by source

### Public Participation

☐ (Y/N) Public Noticed. If yes, Public Notice Date: November 18, 1999, expired December 19, 1999

☐ (Y/N) Public Notice Comments. If yes, number and nature of comments: (See attached)

☐ (Y/N) Public Hearing: If yes, Public Hearing Date: \_\_\_\_\_

### EPA Review

☐ (Y/N) EPA Review. If yes, Date proposed permit sent to EPA January 10, 2000

☐ (Y/N) EPA Comments. If yes, give a brief summary EPA comments on draft permit received 12/13/99. EPA requested that all Subpart WWW reports required by the permit be submitted both to DEQ and to EPA; EPA requested an explanation of why the flare does not require a permit. This was explained in a written response to EPA comments dated January 10, 2000. Flare, as a control device, does not meet the definition of modification in 9 VAC 5-80-10; EPA requested that the permit clearly state that all terms in the permit have the meaning as specified in 40 CFR 60.2 and 40 CFR 60.751; and EPA requested that an EPA letter to the source approving an alternative Method 25c sampling method be incorporated into the permit by reference.

### Other Comments and Final Recommendations (attach memo or list below):

**Comments:** This permit action is the preparation of a Title V permit. The source performed Tier I calculations which utilizes model default values to calculate potential non-methane organic compound (NMOC) and methane emissions. The Tier I calculations indicated potential NMOC emissions greater than the 50 megagram NSPS control requirement threshold. The source performed site-specific sampling and conducted Tier II calculations. Tier II analysis indicated that potential NMOC emissions remain below the 50 megagram per year threshold. While potential emissions of criteria pollutants are less than major source threshold levels, the facility is subject to the provisions of NSPS Subpart WWW as a major landfill (greater than 2.5 million megagrams design capacity), and thus a Title V permit is required. Currently, the facility is permitted for 6 cells with a combined design capacity of 5.44 million megagrams. However, the source has no plans at this time to utilize cells 4, 5, or 6. Emission estimates are based on current waste in place in cells 1,2, and 3 which account for 2.48 million megagrams combined. The Title V application dated June 24, 1998, lists the landfill's total design capacity as 5.44 million

megagrams. In addition, the facility has a landfill gas flare rated at 27 million Btus per hour. Other sources of emissions at the facility which are listed as insignificant include an emergency diesel generator rated at 135 horsepower, a tub grinder rated at 11 tons per hour, and two gasoline-powered portable pumps rated at 4 horsepower each.

The New Source Rules in 9 VAC 5 Chapter 50, the Federal Operating Permit Rules in 9 VAC 5 Chapter 8, and 40 CFR 60 Subpart WWW are the applicable requirements for the source and have been used to draft the Title V permit. North Carolina is an affected state for this source and will be notified regarding this permit.

**Final Recommendation:** Recommend Approval.

Environmental Engineer's Signature: \_\_\_\_\_

Air Permit Manager's Signature: \_\_\_\_\_



## INSPECTOR SHEET - AIRS CODING

SITE	PLANT NAME	
51-700-00122	Newport News Landfill No. 2	

PLANT STREET ADDRESS 15110 Warwick Boulevard	CITY Newport News	
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ZIP CODE	PRIM IND CODE (SIC)	REG NO.		PLANT DESCRIPTION	OPERATNG STATUS				
23602	4953	61340		Municipal Solid Waste Landfill					

AIR PROGRAM(S)	POLLUTANT CODE	CLASS	COMP Status	A/N	CONTACT PERSON	
	PT				Mr. David Sinclair	
	SO2				TELEPHONE NUMBER	
	NOx				(757) 249-5747	
	CO					
9	VOC/NMOC					
	CAS=					

ACTION NO.	AIR PROGRAM(S)	ACT TYPE	DATE SCHEDULED	DATE ACHIEVED	RESL CODE	PENALTY AMOUNT	STAFF CODE	COMMENT NO.	COMMENT	TR
		6 1	June 22, 1999	June 22, 1999	01				C	
		6 5	February 28, 2000	February 28, 2000	01				C	
									C	
									C	
									C	
									C	

MAILING PLANT NAME	MAILING STREET ADDRESS	MAILING CITY	ST	MAILING ZIP CODE
City of Newport News	513 Oyster Point Road	Newport News	Virginia	23602

## PERMIT ISSUED TO:

Mr. William P. Mitchell  
 Assistant City Manager  
 City of Newport News  
 513 Oyster Point Road  
 Newport News, Virginia 23602

Date of last inspection: January 11, 1999

Date application received: June 25, 1998

Date application complete: June 22, 1999

Date permit issued: February 28, 2000

POLLUTANT: NMOC/VOC

CONTROLS: Flare

## AIR PROG CODE

0 = SIP

6 = PSD

8 = NESHP

9 = NSPS

## ACTION TYPE

61 = APPL. COMPLETE

65 = DATE PERMIT ISSUED

70 = COMMENCE CONSTRUCTION

71 = START-UP